

UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

Patent Interference 105,650 McK
Technology Center 1600

AMGEN, INC.
(Inventors: Anthony J. Polverino and Roland Luethy),
Patent 7,329,729 B1,
Junior Party,

v.

GENENTECH, INC.
(Inventors: Audrey Goddard, Paul J. Godowski, Austin L. Gurney,
Victoria Smith, Colin K. Watanabe and William I. Wood),
Application 10/143,114,
Senior Party.

*Before: FRED E. McKELVEY, Senior Administrative Patent Judge, and
RICHARD E. SCHAFER and SALLY GARDNER LANE, Administrative
Patent Judges.*

McKELVEY, Senior Administrative Patent Judge.

JUDGMENT

Upon consideration of the SUBMISSION PURSUANT TO 37 C.F.R.
§ 41.127(b) (Paper 38) and an Express Abandonment of the Genentech
application involved in the interference (both filed by Genentech), it is
ORDERED that judgment on priority as to Count 1 (the sole
count in the interference; Paper 1, page 6) is awarded against Senior Party

1 Genentech, Inc. (real party in interest) and inventors Audrey Goddard, Paul
2 J. Godowski, Austin L. Gurney, Victoria Smith, Colin K. Watanabe and
3 William I. Wood.

4 FURTHER ORDERED that Genentech, Inc. (real party in
5 interest) and inventors Audrey Goddard, Paul J. Godowski, Austin L.
6 Gurney, Victoria Smith, Colin K. Watanabe and William I. Wood are not
7 entitled to a patent containing claims 77-78 and 82-84 (corresponding to
8 Count 1) of:

9 application 10/143,114
10 filed 09 May 2002

11 FURTHER ORDERED that claims 77-78 and 82-84 of
12 application 10/143,114 are finally refused. 35 U.S.C. § 135(a).

13 FURTHER ORDERED that if there is a settlement agreement,
14 attention is directed to 35 U.S.C. § 135(c).

15 FURTHER ORDERED that a copy of this JUDGMENT shall
16 be placed in the files of (1) U.S. Patent 7,329,729 B1 and (2) application
17 10/143,114.

18 FURTHER ORDERED that the Clerk is directed to distribute
19 the files upon entry of this JUDGMENT.

(via electronic mail):

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